



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**  
**Eighty-fourth session**

**Summary record of the first part (public)\* of the 2266th meeting**

Held at the Palais Wilson, Geneva, on Tuesday, 4 February 2014, at 10 a.m.

*Chairperson:* Mr. Calí Tzay

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\* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.2266/Add.1.

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*The meeting was called to order at 10.25 a.m.*

**Informal meeting with non-governmental organizations**

*Information relating to the sixteenth to nineteenth periodic reports of Belgium*  
(CERD/C/BEL/16-19)

1. *At the invitation of the Chairperson, the representatives of the Ligue des droits de l'Homme took places at the Committee table.*

2. **Mr. Lambert** (Ligue des droits de l'Homme) thanked the Committee on the Elimination of Racial Discrimination for the opportunity provided to his organization to speak before it. As a Western European State, Belgium was a country in which human rights enjoyed relative respect compared with many countries. However, Belgium had not been above scrutiny by the media in relation to certain difficult situations and its record on human rights was not unblemished. He gave assurance that the Ligue des droits de l'Homme would continue to adhere to and to disseminate the Committee's recommendations. He and his colleague would deliver orally the substance of a report which had been submitted in writing.

3. Turning to his country's international commitments he said that, despite its small size, Belgium played a significant role in international human rights forums. Belgium was signatory to a number of conventions but it had not ratified all of them, including Protocol No. 12 to the European Convention on Human Rights and the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. It was a matter of concern that Belgium had neither signed nor ratified the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families.

4. **Mr. Perroux** (Ligue des droits de l'Homme), while welcoming the move to federalize the Centre for Equal Opportunities and the Fight against Racism, queried its status as an independent civil society organization since it had been known to assist the Belgian Government in coordinating information and even in drafting reports. The Centre played a significant role in combating racism in Belgium and it was regrettable that its ability to act effectively in a system that comprised a federal authority, semi-autonomous regions and communities, might be compromised by the transfer of its responsibilities in respect of migrant workers' rights and human trafficking to another federal institution. It was the view of his organization that issues of racism and migration were closely linked and it was difficult to understand why they had been separated. Furthermore, the split would lead to coordination problems between the different State entities and create a legal gap with respect to regional activities on migrants' rights. The Centre's independence could also be called into question since its Board was appointed by the Government. In addition, although it was illegal to discriminate on the basis of language in Belgium, the exclusion of responsibilities from the federal Centre in that regard represented a certain incoherence in the system for protection against discrimination. As far as he was aware, the Government had no plans to set up an entity to deal with the problem of discrimination on the basis of language.

5. **Mr. Lambert** (Ligue des droits de l'Homme) said that he understood that the Committee on the Elimination of Racial Discrimination, the United Nations Committee against Torture and the Committee on Economic, Social and Cultural Rights had asked whether Belgium intended to set up a human rights institution and he would be interested to learn what the response had been. The Federal Government had indeed made a commitment to set up such an institution in 2011 and the intention had been reiterated by the Centre for Equality of Opportunities and Opposition to Racism in December 2012 in a general policy note. Since the current Government's term of office would expire in three months' time and

no further concrete steps had been taken to found the institution, it was reasonable to assume that the commitment would again not be fulfilled.

6. **Mr. Perrouty** (Ligue des droits de l'Homme) said that, as in many European countries, the situation of Travellers and Roma in Belgium was problematic. His organization was proud that, jointly with the International Federation of Human Rights Leagues (FIDH), it had filed a complaint concerning Travellers at the European Committee of Social Rights (ECSR) of the Council of Europe. In a decision given on 21 March 2012 ECSR had found that Belgium had violated several provisions of the European Social Charter concerning: the lack of sites for Travellers, particularly in the Walloon Region; the failure to take sufficient account of the circumstances of Traveller families in planning legislation; and failure to protect families evicted by police who lost their homes without any guarantee of being rehoused, even where there were children involved. In addition, a caravan was not classified as a "home" or dwelling under the law in the Walloon Region. To date, the Belgian Government had not taken measures to remedy the findings in the ECSR decision even in connection with the recognition of the caravan as a home in law, a modification that it could have carried out without incurring significant cost. There had been a failure in general to take coordinated action in respect of the situation relating to Travellers.

7. Although the situation of the Roma was not as difficult in Belgium as in other European countries, they were still a vulnerable and marginalized population group and suffered discrimination in housing, work and education. The Belgian Government would perhaps make reference to its national Roma integration plan of March 2012, but unfortunately the committee charged with implementing the plan had not met since its inception and therefore, in practice, no progress had been made. Furthermore, attention should be drawn to the one hundred or so Roma families who were living on the streets in Brussels, in stations, in squats and on waste ground; they were regularly evicted by the police but never officially registered by the authorities or taken care of by social services. Granted, the situation was complicated by the number of authorities involved at municipal, regional and State level, but the failure to coordinate between the various agencies had left those families in an extremely vulnerable situation.

8. **Mr. Lambert** (Ligue des droits de l'Homme) said that draft laws were being developed by the federal Parliament in Belgium in order to ban groups that disseminated racist, undemocratic or hateful views, in response to the difficulties experienced with extremist groups such as the far-right racist "Blood and Honour" and the group "Sharia4Belgium". His organization was concerned that a balance should be struck between restricting extremist movements and maintaining freedom of expression and freedom of association; current laws might well be sufficient without introducing new legislation.

9. **Mr. Perrouty** (Ligue des droits de l'Homme) referred to the systematic detention of asylum seekers at borders in order to determine, in the context of the Dublin Regulation, which European Union member State was responsible for examining an asylum application. The detention was discriminatory since it deprived those requesting asylum in Belgium from their right to social assistance, housing, access to a lawyer and to organizations that would support them.

10. **Mr. Lambert** (Ligue des droits de l'Homme) said that excessive use of force during deportation of foreign nationals was a significant problem in Belgium, in particular during the transfer from the detention centre to the airport and the aircraft, and it was an issue that had been raised by a number of international bodies, including the United Nations Committee against Torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. No impartial monitoring was carried out since no intergovernmental organizations had access to the detention cells prior to the transfer of detainees. In 2012 the police investigation authority had only monitored 2.5 per

cent of deportations. Furthermore, the authority did not operate in an independent nor in a transparent manner since it had not released the report it had written in 2012; perhaps the Committee could ask it to make the report public.

11. **Mr. Perrouty** (Ligue des droits de l'Homme) said that the Belgian Code of nationality had been amended in 2012 in order to limit access to nationality and thereby discourage migration. In that sense Belgium was following in the footsteps of its European neighbours in closing its doors to migrants. It was regrettable that such laws raised barriers to social integration since the migrant entered a vicious circle in which it was not possible to gain employment without having acquired nationality and impossible to gain nationality without employment.

12. The right to live in a family had also been affected by recent legislative reform and the Constitutional Court of Belgium had rejected complaints in respect of the changes which had been submitted by the Human Rights League. In particular, the conditions concerning financial resources made it impossible for some Belgian citizens to bring their spouses or other family members to Belgium. Similarly, the right to marriage had been curtailed by legislation introduced in 2013, which made it difficult for mixed marriages to take place.

13. **Mr. Lambert** (Ligue des droits de l'Homme) drew attention to discrimination in the criminal justice system, with police violence having been noted in a number of cases. It would be helpful to receive statistics from the State party on the frequency and nature of alleged racist attacks in order to gain a true picture of the situation. In a judgement given by the European Court of Human Rights concerning *Turan Cakir v. Belgium*, No. 44256/06, of 10 March 2009, it had been established that there had been police violence of a racist nature and that no investigation had taken place despite clear allegations to that effect. The United Nations Committee against Torture had also noted the persistence of that type of violence. He requested that the State party should establish effective monitoring of such incidents and that the police should not enjoy impunity from prosecution.

14. **Mr. Perrouty** (Ligue des droits de l'Homme), turning to the theme of health, medical care and social security, said that migrants found it particularly difficult to access medical care. Under Belgian law, undocumented migrants had the right to urgent medical assistance but in reality, many were either not informed of their right or pressured into making payment for the services they had received. It would be appropriate to raise with the State party cases that had been published in the press, where medical help had been refused to some HIV-positive undocumented migrants in Antwerp or Gent unless they agreed to voluntary return.

15. Discrimination against European Union citizens also took place with respect to the law of 19 January 2012, under which they did not have the right to social assistance, including urgent medical help, during the first three months of their stay in Belgium. The Human Rights League had launched an appeal against the law with the Constitutional Court.

16. **Mr. Lambert** (Ligue des droits de l'Homme), drawing attention to the economic, social and cultural rights of persons of foreign origin in Belgium, said that they were underrepresented in certain types of employment and overrepresented in less favourable sectors. That situation was replicated in education and housing and it appeared that little progress had been made in those areas since the Committee's report some five years previously.

17. **Mr. Perrouty** (Ligue des droits de l'Homme) said that it in several cases judges had given employers the right to dismiss female workers wearing an Islamic headscarf, thereby demonstrating a misunderstanding of anti-discrimination laws as they related to the public and private sectors. In the Flemish Region, all wearing of headscarves in schools was

forbidden, while in the Walloon Region each school could decide for itself. That policy had led to segregation since upwards of 85 per cent of schools in the Walloon Region had decided to ban headscarves and therefore women and girls wishing to wear them were obliged to attend the few remaining schools where it was allowed. The Human Rights League viewed the ban as unnecessary, discriminatory and disproportionate, since its effect was to exclude or to segregate women who wished to wear the headscarf. The law of 1 June 2011, which banned the wearing of the full veil (burka), was counterproductive, since although its intention was to emancipate women, in fact it criminalized those who wished to wear the full veil. The law was also disproportionate in that it seemed inappropriate for the State to dictate how its citizens should dress.

18. **Mr. Vázquez** (Country Rapporteur) thanked the representatives of the Human Rights League for their written and oral submissions and for their undertaking to speak to him at greater length later that day. He noted the questions raised in the written report concerning the Council of Europe Framework Convention for the Protection of National Minorities and the use of languages and requested further information on the issue of discrimination on the basis of language. The Committee tended to examine cases of indirect discrimination where language was used as a way of discriminating on the basis of ethnicity or nationality and he wondered what comments the Human Rights League would make in that context.

19. He was not sure whether the “B” status accorded to the Centre for Equal Opportunities was a reflection of its lack of independence or its restricted field of competence in the area of racism rather than in the area of human rights more generally. He was not sure whether the issue of migration had been taken away from the Centre because it was considered to be a federal matter or whether the regions retained control of migration. He wondered what happened to issues of nationality that would have been the responsibility of the Centre. There was some concern expressed by the Human Rights League report on the lack of legislation concerning affirmative or positive action. Did the absence of such a decree mean that private companies were prohibited from engaging in affirmative action in terms of hiring migrants?

20. On the question of organizations that had a racist aim he noted the concern that hate speech laws could also be used against minorities. Did the Human Rights League view the use of such laws against “Sharia4Belgium” as being an appropriate use or an abuse of that legislation?

21. **Mr. Amir** said that the Human Rights League had had the opportunity to observe the progress made by the State party since it had appeared before the Committee in 2008. He noted that the European Court of Human Rights had been called on to examine a number of cases concerning Belgium; was it not incumbent on that country to observe human rights laws, since it was a signatory to, among others, the European Convention on Human Rights? Cases of discrimination concerning nationals from outside the European Union had also been heard by the European Court of Human Rights: he was minded of cases where migrants attempting to reach the shores of Italy had been turned back to sea, where many had died. Could the Human Rights League provide examples of judgements of the European Court of Human Rights concerning racial discrimination in Belgium?

22. **Mr. Lambert** (Ligue des droits de l’Homme) said that the interaction between the Communities was a very delicate subject that required careful handling. The current political system had ensured a high level of cooperation between the different language groups but further progress would be required before the State party could consider ratifying the Council of Europe’s Framework Convention for the Protection of National Minorities. There was currently political deadlock on how to proceed and it would be interesting to hear the State party’s proposed solutions. In the light of such a highly polarized situation, the Federal Government had been reluctant to include discrimination

based on language within the Centre for Equal Opportunities and Opposition to Racism's mandate.

23. In relation to the latest bills aimed at banning organizations that incited racial hatred, he stressed that the Ligue des droits de l'Homme was not opposed to prosecuting persons or organizations that encouraged racial hatred and discrimination, but it considered that existing legislation was sufficiently robust to combat such offences. His organization would not campaign against the new bills but it wished to ensure that any decision to ban an organization inciting racial hatred was subject to review by an independent judge.

24. As for the State party's progress in implementing the Committee's previous recommendations, while the Federal Government had taken a number of positive steps to address certain areas, such as the treatment of unaccompanied foreign minors and migrants' property rights, more work needed to be done.

25. **Mr. Perroux** (Ligue des droits de l'Homme) said that the European Court of Human Rights had ruled against Belgium nine times in the last six years in cases involving the detention and expulsion of asylum seekers, which was a considerably high number for a country of its size. Regrettably, the Federal Government had failed to take adequate measures to combat such issues as the use of force at asylum seekers' detention centres and the failure to ensure the right to appeal in the case of deportation. The State party had also actively participated in Frontex operations to protect European borders and had regularly returned migrants before they could lodge an application for asylum, in direct contravention of the Convention relating to the Status of Refugees.

26. Turning to the status of the Centre for Equal Opportunities and Opposition to Racism, he confirmed that its "B" status had been awarded due to its limited mandate and inadequate selection process, which was not in accordance with the Paris Principles. Discussions had been held at the federal level to establish a new national human rights institution, which would be eligible for "A" status.

27. In relation to the establishment of a separate body to consider migration issues, it appeared that the decision had been taken in reaction to the Centre's previous criticism of the Federal Government's approach to migration. Currently, migration was strictly a federal issue, which created numerous difficulties, and the plans for closer regional cooperation on the subject would represent a welcome step forward.

28. Lastly, in response to questions concerning positive action to prevent discrimination in the employment sector, he confirmed that private companies could establish positive action programmes so long as they could offer appropriate justification, although the Federal Government currently gave them few incentives to do so.

29. **Mr. Diaconu** noted that according to international law victims of discrimination based on language could bring their cases before the national and international courts. A State party could establish a separate body to consider such cases but it was not required to do so. Any person who suffered discrimination based on language in Belgium did therefore have access to justice.

30. Recalling the Committee's previous recommendations to the State party, he requested clarification regarding the Ligue des droits de l'Homme's decision to oppose the adoption of the latest bills to combat racial discrimination. He stressed that such bills could be introduced without undermining freedom of expression or association.

31. He agreed that the right to nationality should not be made contingent on economic integration but should instead be considered on a case-by-case basis. He wished to draw the State party's attention to that issue and make it aware of the best approaches to tackling such matters. He also noted that persons from other European Union countries had experienced difficulties in accessing health care or social services during the first three

months of their stay in Belgium. Lastly, he wished to know why, despite the successful integration of a large number of migrants, the prevalence of anti-Semitism and Islamophobia in Belgium had increased.

32. **Ms. Crickley** asked whether the Belgian national Roma integration strategy, established in response to the European Commission's European Union Framework for National Roma Integration Strategies, contained specific provisions for both Travellers and the Roma and requested further information on the European Commission's recent assessment of the strategy. As for the consideration of migration issues, she drew attention to the fact that the Centre for Equal Opportunities and Opposition to Racism had also expressed concerns about the removal of migration from its mandate.

33. **Mr. Lambert** (Ligue des droits de l'Homme) said that his organization fully supported the banning of organizations that incited racial hatred and discrimination, provided that any decision to do so was reviewed by an independent judge, in order to ensure that the rights to freedom of expression and association were safeguarded. As for discrimination based on language, it was true that international law guaranteed victims redress before the courts, but the establishment of a separate body would make the process more effective and efficient and would offer victims a wider range of solutions, such as mediation. Turning to the rise in Islamophobia and anti-Semitism in Belgium, he said that there was no concrete reason for the spread of such discriminatory attitudes, since many migrants, particularly from the Muslim community, had integrated successfully into the community.

34. **Mr. Perrouy** (Ligue des droits de l'Homme) said that anti-Semitism seemed in fact to be declining in Belgium, as opposed to Islamophobia. There were several reasons for such a change, including the shift in focus of far right-wing groups from the Jewish to the Muslim population and the emergence of a national tendency to equate Islam with terrorism.

35. Turning to the national Roma integration strategy, he said that further information on the specific provisions for both the Roma and Traveller populations would be provided to the Committee at a later date. The European Commission had, however, noted numerous failings in the strategy during its 2012 assessment, particularly in regard to the lack of quantifiable targets and concrete data. The situation of the Roma and Travellers in Belgium had markedly improved since the introduction of the strategy and there had been an increase in the number of caravan sites dedicated to both groups. Nevertheless, further action would need to be taken in order to harmonize the regional responses, particularly in the Flemish Community.

36. **Mr. Avtonomov** asked why the Belgian Government had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and wished to know whether it intended to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

37. **Ms. Hohoueto** asked why the Ligue des droits de l'Homme appeared to have concerns about the work of the Centre for Equal Opportunities and Opposition to Racism.

38. **Mr. Kut** said that, unless there was a clear indication that the Government might be using the proposed ban on organizations that incited racial hatred and discrimination to stifle opposition, there was no reason to fear that the balance between combating hate speech and protecting freedom of expression and association would be lost. If the Government were to act in an inappropriate manner, the legislative system would intervene to hold it to account. He therefore urged the Ligue des droits de l'Homme to support the introduction of the new bills. As for discrimination based on language, he said that, regardless of whether the relationship between the Communities was a sensitive topic in Belgium, it must be addressed at the earliest opportunity.

39. **Mr. Lahiri** asked whether any efforts had been made at a national level to reflect on and draw conclusions from the events that had taken place in the Democratic Republic of the Congo.

40. **Mr. Perrouty** (Ligue des droits de l'Homme) said that he did not know why the Belgian Government had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families but acknowledged that perhaps there was a Europe-wide lack of political focus on the matter. He would confirm at a later date whether the Belgian Government had ratified ILO Convention No. 189. He stressed that while the Ligue des droits de l'Homme had no misgivings concerning the work of the Centre for Equal Opportunities and Opposition to Racism, it preferred to ascertain its exact status, functions and relationship in respect of the Government.

41. **Mr. Lambert** (Ligue des droits de l'Homme) reiterated that his organization feared that abusive use might be made of the bills aimed at banning organizations that incited racial hatred in the absence of any clear requirement for an independent judge to review such decisions.

42. **Mr. Perrouty** (Ligue des droits de l'Homme) said that the State party had passed restrictive laws in the past and his organization had therefore requested that the latest bills aimed at banning organizations that incited racial hatred should include a reference to the necessary balance between combating racial hate speech and protecting freedom of expression and association.

43. **Mr. Lambert** (Ligue des droits de l'Homme) said that there had been cases of discrimination based on language against French speakers in the Flemish Community but stressed that the national legal institutions had worked effectively in tackling such cases. For example, two housing rulings against migrants had been found to be discriminatory and had been declared null and void by the Constitutional Court.

44. Turning to the State party's involvement in events in the Democratic Republic of the Congo, he said that steps had been taken to investigate the responsibility of the Belgian Government in the assassination of Patrice Lamumba and the victim's family had lodged a case to take the surviving perpetrators to court. Nevertheless, more efforts would need to be made in order to appropriately reflect on the events in the Democratic Republic of the Congo at a regional and national level.

45. **Mr. Perrouty** (Ligue des droits de l'Homme) said that the Committee's previous recommendation to adopt laws aimed at banning organizations that incited racial hatred had focused on established political organizations. The State party had already taken steps to withdraw public financing and ban such political parties that incited racial hatred. The concerns of the Ligue des droits de l'Homme regarding the latest bills however focused on the banning of ad hoc, informal groups.

*The public part of the meeting rose at 11.55 a.m.*